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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/434,703	11/05/1999	ERIC O. BODNAR	LS/0001.01	4272

7590 11/12/2004

Blakely Sokoloff Taylor & Zafman LLP  
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Seventh Floor  
Los Angeles, CA 90025

EXAMINER
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NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/434,703

Applicant(s)

BODNAR ET AL.

Examiner

LUONG T NGUYEN

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1, 3-7, 10-21, 23-27, 30-41, 43-47, 50-68.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

*Response to Arguments*

1. Applicant's arguments filed on 7/02/2004 have been fully considered but they are not persuasive.

In re page 12, Applicants argue that “the header of Aragaki is file identification data, entered by an operator. This is fundamentally different from packaging said compressed luminosity information with header information identifying the individual bit plane. It would not have been obvious to substantially modify the headers of Aragaki, to include bit plane data, as recited in claim 1 of the present invention.”

In response, regarding claim 1, Applicants amended claim 1 with the limitation “packaging said compressed luminosity information with header information identifying the individual bit plane.” The Examiner considers that claim 1 as amended still does not distinguish from Acharya et al. patent in view of Aragaki patent further in view of Tran patent. Acharya et al. discloses captured images are splitted into plurality of channels including color plane difference channel, then compressing separately each of color plane channels (individual bit plane) by image compression circuit 832, see Abstract, figures 2, 7-8, column 12, lines 45-50. Acharya et al. does not disclose packaging the compressed luminosity information with header information identify the individual bit plane. However, Aragaki teaches this feature. Aragaki teaches a method of storing and transmitting compressed image data and file header, in which the file header includes information for identify the image filed (column 1, lines 18-19), further, the file header identifies the reduced and compressed image data, each reduced and compressed image data is represented in serial order of bit planes (figures 4A-4B, 10, 17A-17B, column 8, lines 52-58, column 13, line 60 – column 14, line 46). Therefore, the file header in Aragaki is

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not different from the header claimed in claim 1, which only recites “header information identifying the individual bit plane.”

In re pages 12-13, Applicants argue that Tran is drawn from a non-analogous art. In particular, Tran's system is a portable computer, in which processing power is not limited. While Tran does discuss using packet-based cellular transmissions, one of skill in the art in the camera world, would not look to Tran to find a transmission methodology for image data from a camera.

In response to applicant's argument that Tran patent is nonanalogous art; it should be noted that the feature upon which applicants rely (i.e., *to find a transmission methodology for image data from a camera*) is not recited in the rejected claim 1. In stead, claim 1 recited “transmitting the compressed luminosity information to a second device in a wireless manner using a packet-based communication protocol.” Tran teaches the transmitting images to a second device via a wireless transceiver, which is a two-way communication protocol (figure 1, column 7, line 28 – column 8, line 30). Therefore, the examiner considers that the applicant's argument that is nonanalogous art is not relevant.

In re page 13, Applicants argue that Tran does not discuss how the data is packed. Therefore, Tran also does not teach or suggest packaging compressed luminosity information with header information identifying the individual bit plane.

In response, it should be noted that the feature “how the data is packed” is not recited in claim 1. Acharya et al. and Aragaki disclose the feature “packaging compressed luminosity information with header information identifying the individual bit plane” as discussed above.

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In re page 13, Applicants argue that none of the references teach or suggest header information identifying the individual bit plane as recited in claim 21.

In response, Examiner considers that Acharya et al. and Aragaki disclose this feature as discussed above, regarding claim 1.

In re page 13, Applicants argue that there is no suggestion in either Acharya or Tran for the combination.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

### ***Conclusion***


2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN  
9/07/04

  
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